

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALLEN LORETZ, individually and on)	Case No. 07-5800 SC
behalf of all others similarly)	
situated,)	ORDER REQUIRING
)	SUPPLEMENTAL DECLARATIONS
Plaintiffs,)	RE: ATTORNEYS' FEES AND
)	<u>COSTS</u>
v.)	
)	
REGAL STONE, LTD., HANJIN)	
SHIPPING, CO., LTD., SYNERGY)	
MARITIME, LTD., FLEET MANAGEMENT)	
LTD., and JOHN COTA, <u>In Personam</u> ,)	
M/V COSCO BUSAN, their engines,)	
tackle, equipment, appurtenances,)	
freights, and cargo, <u>In Rem</u> ,)	
)	
Defendants.)	

On September 3, 2010, the Court held a hearing on Plaintiffs' Motion for Final Approval of Class Action Settlement. The Court approved the settlement. ECF No. 264. At the hearing, the Court requested billing records for in camera review.

Having reviewed the records, the Court determines that it needs more information before it can issue an order regarding attorneys' fees and costs. The Court requires a declaration from the law firm of Cotchett, Pitre & McCarthy ("CPM") summarizing how the firm arrived at its requested lodestar of \$434,392.50. CPM has submitted to the Court its record of all the time spent in pursuit of the claims of all commercial fishermen. It is not clear to the

1 Court how CPM segregated the time expended in pursuit of the
2 Dungeness crab fishermen's claims. Also, while CPM provided the
3 Court with a description of its litigation costs, the Court
4 requires an explanation of why those costs were reasonable.

5 The Court requires a declaration from Audet & Partners LLP
6 ("Audet") explaining how it reasonably expended 1955.65 attorney
7 and paralegal hours working on this case. The Court notes that
8 counsel is expected to exercise "billing judgment," and to exclude
9 from a fee request hours that are "excessive, redundant, or
10 otherwise unnecessary." Hensley v. Eckerhart, 461 U.S. 424, 433-34
11 (1983). Here, the Court's review of the billing records indicates
12 that Audet has not excluded any hours from its fee request of
13 \$890,185.45. Also, while Audet provided the Court with a
14 description of its litigation costs, the Court requires a
15 declaration from Audet explaining why those litigation costs were
16 reasonable.

17 The required declarations from CPM and Audet should be sent
18 directly to chambers for in camera review. CPM and Audet are not
19 required to publicly file the declarations. The declarations shall
20 be due in chambers no later than ten (10) days from the date of
21 this Order. The hearing set for September 17, 2010 is taken off
22 calendar.

23
24 IT IS SO ORDERED.

25
26 Dated: September 10, 2010

27 
28 UNITED STATES DISTRICT JUDGE